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8 Attorneys for Defendants
HSBC MORTGAGE CORPORATION (USA) AND
9 HSBC BANK USA, N.A.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 Philip Wong, Frederick Chaussy, and
14 Leslie Marie Shearn, individually, on
behalf of all others similarly situated, and
15 on behalf of the general public,

16 Plaintiffs,

17 v.

18 HSBC Mortgage Corporation (USA);
19 HSBC Bank USA, N.A.; and DOES 1
through 50, inclusive,

20 Defendants.
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Case No. C 07 2446 MMC [ECF]

**DECLARATION OF STELLA CHAN IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION
FOR CONDITIONAL CERTIFICATION,
PRODUCTION OF UPDATED CLASS
LIST, AND PARTIAL SUMMARY
JUDGMENT**

Date: February 8, 2008
Time: 9:00 a.m.
Courtroom: 7 (19th Floor)
Judge: Hon. Maxine M. Chesney

Complaint Filed: June 29, 2007 (Amended)
Trial Date: Not Yet Set

1 I, Stella Chan, hereby declare and state:

2 1. I have personal knowledge of the facts set forth below. If called as a witness,
3 I could and would testify to the following:

4 2. I am the manager of the Oakland branch of HSBC Bank USA, N.A. ("HSBC
5 Bank"). I have worked at the bank since 2002. The bank is my workplace. I am usually at the bank
6 whenever it is open for business.

7 3. HSBC Bank is a client of HSBC Mortgage Corporation (USA) ("HSBC
8 Mortgage"). If one of our customers expresses interest in a mortgage, we refer that customer to
9 HSBC Mortgage. Philip Wong, a loan officer employed by HSBC Mortgage, usually receives the
10 referrals from the Oakland branch.

11 4. Although Mr. Wong receives referrals from the Oakland branch and
12 sometimes comes into the Oakland branch to meet with clients and sign documents, he does not
13 come into the branch on any regular schedule. Mr. Wong works for a company that is separate from
14 HSBC Bank and makes his own schedule. The Oakland branch has no control over his schedule,
15 and I do not know his schedule ahead of time. It is Mr. Wong's decision whether he wants to meet
16 with potential mortgage clients at the Oakland branch or somewhere else, for how long and when.

17 5. On average, Mr. Wong comes into the Oakland branch two or three times per
18 week, although this is not always the case, as Mr. Wong's schedule is flexible and changes a lot.

19 6. When he does come into the Oakland branch, Mr. Wong does not stay at the
20 bank for any set period of time. The Oakland branch is only open for business between 9:00 a.m. to
21 5:00 p.m. Monday through Friday and 10:00 a.m. to 3:00 p.m. on Saturdays. On more than half of
22 the days that Mr. Wong comes in, he stays for four hours or less. He sometimes stays for only one
23 or two hours. He rarely stays at the bank for more than one-half of the day.

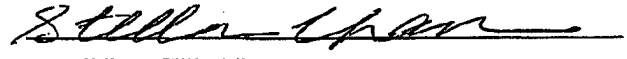
24 7. Mr. Wong does not have an office at the Oakland branch. If he needs a place
25 to sit and speak with clients, he uses an empty cubicle.

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415 432 1940
DECLARATION OF STELLA CHAN

2. No. C 07 2446 MMC [ECF]

1 I declare under penalty of perjury under the laws of the State of California and the
2 United States of America that the foregoing declaration is true and correct to the best of my personal
3 knowledge.

4 Executed this 17 day of January, 2008, in OAKLAND, California.

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7 STELLA CHAN
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DECLARATION OF STELLA CHAN

3. No. C 07 2446 MMC [ECF]